



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,867	01/24/2000	Sam E. Kinney JR.	046700-5010	7744

28977 7590 07/19/2005
MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA, PA 19103-2921

EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
----------	--------------

1762

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,867

Applicant(s)

KINNEY, SAM E.

Examiner

Alain L. Bashore

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 16-20 and 39-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16-20, and 39-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel (383) in view of Rackson et al in further view of (Popolo and Douglas).

Ausube (383) discloses a method, system, and computer program product on computer useable medium of conducting an auction between a plurality of potential bidders where there is generated a sequence of values for a comparative bid parameter (col 4, lines 29-39; col 2, lines 51-67; col 3, lines 1-67; col 4, lines 1-29). Participants of the auction include an originator and at least one potential bidder (col 3, lines 1-5).

The received first bid information represents a first bid that is originally defined in a context of the first bidder (col 4, lines 5-10). Information reflective of the submitted first bid is stored, the stored information enabling a relative comparison of submitted bids

Art Unit: 1762

(col 6, lines 11-27). Since multiple bidders and multiple bids are transmitted, and second bid information is transmitted.

Ausubel (383) discloses performing a non-linear transformation (col 8, lines 1-19) using a lookup table (col 8, line 5). Since Ausubel (383) teaches performing his demand curve using a look-up table with a non-increasing constraint (i.e. linear), there is disclosed performing a combination of linear, non-linear, and look-up table transformations simultaneously (col 8, lines 15-19).

Ausubel (383) does not explicitly disclose:

a Dutch auction; and,

a third view associated with a second auction item having a second characteristic that is different from said first characteristic.

Rackson et al discloses a Dutch auction (col 2, line 63, col 3, lines 32-40, col 20, lines 64-67; col 21, lines 1-25).

It would have been obvious to one with ordinary skill in the art to modify the auction to Ausubel (383) to include a Dutch auction because Rackson et al teaches multiple formats for auctions utilizing an optimum bidder such as using a Dutch auction format (col 2, lines 46-65).

The term "characteristic" is taken in the broadest definition of the term to mean an attribute. Utilizing the broadest definition of the term, any view is defined as a "characteristic" different than a "characteristic" of another view.

Popolo discloses views associated with a second auction item having a second characteristic that is different from said first characteristic (col 1, lines 59-67; col 2, lines 1-7).

Douglas discloses a user viewing in one characteristic a document that was originally submitted by a different user with a different characteristic (col 1, lines 39-67; col 2, lines 1-25).

It would have been obvious to one with ordinary skill in the art to include a third view associated with a second auction item having a second characteristic that is different from said first characteristic because Popolo teaches viewing different characteristics (units of measures) of various auction items to create new views as needed in auctions (col 2, lines 5-6) and context because Douglas teaches the desirability to edit or add comments to textual information (col 1, lines 15-25).

Both Douglass and Ausubel (383) are considered within the same broad related art endeavor of textual information processing.

Art Unit: 1762

3. Claims 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ausubel (383) in view of Rackson et al in further view of Holland, Jr. et al.

Ausube (383) discloses a method, system, and computer program product on computer useable medium of conducting an auction between a plurality of potential bidders where there is generated a sequence of values for a comparative bid parameter (col 4, lines 29-39; col 2, lines 51-67; col 3, lines 1-67; col 4, lines 1-29). Participants of the auction include an originator and at least one potential bidder (col 3, lines 1-5).

The received first bid information represents a first bid that is originally defined in a context of the first bidder (col 4, lines 5-10). Information reflective of the submitted first bid is stored, the stored information enabling a relative comparison of submitted bids (col 6, lines 11-27). Since multiple bidders and multiple bids are transmitted, and second bid information is transmitted.

Ausubel (383) discloses performing a non-linear transformation (col 8, lines 1-19) using a lookup table (col 8, line 5). Since Ausubel (383) teaches performing his demand curve using a look-up table with a non-increasing constraint (i.e. linear), there is disclosed performing a combination of linear, non-linear, and look-up table transformations simultaneously (col 8, lines 15-19).

Ausubel (383) does not explicitly disclose:

a Dutch auction; and,
sequentially transmitting information reflective of bid sequence values that continues until a second and or third bid is reached.

Rackson et al discloses a Dutch auction (col 2, line 63, col 3, lines 32-40, col 20, lines 64-67; col 21, lines 1-25).

It would have been obvious to one with ordinary skill in the art to modify the auction to Ausubel (383) to include a Dutch auction because Rackson et al teaches multiple formats for auctions utilizing an optimum bidder such as using a Dutch auction format (col 2, lines 46-65).

Holland, Jr. et al discloses sequentially transmitting information reflective of bid sequence values that continues until a second and or third bid is reached (col 2, lines 24-43).

It would have been obvious to one with ordinary skill in the art to include sequentially transmitting information reflective of bid sequence values that continues until a second and or third bid is reached because Holland, Jr. et al teaches multiple parameters require consideration sequentially for multiple bids (col 2, lines 24-43; cl 25).

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive. The terms "transforming", "parameter value", "type", "views", "sequentially transmitting" all are board recitations that are encompassed in the prior art.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 1762

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Regarding all Class 705 applications, the management contact regarding examination is: Vincent Millin (SPE, art unit 3624) at 571-272-6747.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alain L. Bashore
Primary Examiner
Art Unit 1762